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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,257

12/31/2003

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RPS920030217US1(4034)

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7590

10/09/2007

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EXAMINER

NOONAN, WILLOW W

ART UNIT

PAPER NUMBER

2146

MAIL DATE

DELIVERY MODE

10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,257

Applicant(s)

CROMER ET AL.

Examiner

Willow Noonan

Art Unit

2146

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/31/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. The instant application having Application No. 10/749,257 has a total of 5 claims pending in the application; there are 5 independent claims and 19 dependent claims, all of which are ready for examination by the examiner.

Oath/Declaration

2. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

Drawings

3. The applicant's drawings submitted are acceptable for examination purposes.

Information Disclosure Statement

4. As required by M.P.E.P. 609(C), the applicant's submission of the Information Disclosure Statement dated December 31, 2003 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by M.P.E.P 609 C(2), a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 15-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 15-18 recite a "machine-accessible medium," which may be an electromagnetic signal. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Energy does not fall within a statutory category because it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Examiner notes that amending these claims to include a —computer storage medium—would overcome this rejection in a manner consistent with Applicant's specification.

Claim 19 recites a "computer-readable medium containing a data structure." This subject matter is not limited to that which falls within a statutory category of invention for the same reasons as those given for claims 15-18. Additionally, the examiner notes that data structures do not constitute per-se statutory subject matter.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 6-11, 15-16, and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Connery (U.S. Patent No. 6,311,276).

Regarding claims 1, 11, 15, and 20, Connery teaches a method for managing a remote client on a network. See Connery, *Abstract*. Connery teaches that the method comprises determining a client to be managed and determining whether the client is active on the network. See Connery at col. 2, paragraphs 1-2 ("management ... in a host computer in response to messages received through a network interface"). Connery teaches transmitting a first network packet to the client using the network, the first network packet comprising a wake-on-LAN packet. See Connery at col. 1, paragraph 1 ("Wake On LAN packet"). Connery further teaches receiving, from the client, a return wake-on-LAN packet, the return wake-on-LAN packet comprising an indication of the address of the client and an indication of the status of the wake-on-LAN functionality of the client. See Connery at col. 7, lines 45-49 ("The adapter may generate a response to the message, such as an acknowledgment UDP packet, if desired."); Connery at fig. 4.

Regarding claims 2 and 16, Connery teaches transmitting a command to start a management session on the client using the network. See Connery at col. 2, paragraph 1 ("remote reset, remote diagnostics").

Regarding claims 3, 21, 22, Connery teaches receiving an indication from the client that the client's wake-on-LAN functionality is disabled and transmitting an override command to the client. See Connery at col. 2, paragraph 1 (detailing list of configuration commands).

Regarding claims 6, 7, and 23, Connery teaches that the wake-on-LAN packet comprises an indication of the client address, which may be a broadcast address. See Connery at fig. 4.

Regarding claims 8 and 24, Connery teaches that the wake-on-LAN packet comprises an indication of an address for the transmitting computer. See Connery at fig. 4.

Regarding claims 9 and 10, Connery teaches that the return wake-on-LAN packet comprises an indication that the client has wake-on-LAN enabled or disabled. See Connery at col. 7, lines 45-49 ("The adapter may generate a response to the message, such as an acknowledgment UDP packet, if desired."); Connery at fig. 4.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4-5, 12-14, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connery in view of Deosaran (U.S. Patent App. Pub. No. 2002/0135611).

Regarding claims 4, 5, 17, and 18, Connery does not teach marking the status of client devices in a database. However, Deosaran teaches that it is well known to store client capability and configuration information in a server-side database. See Deosaran at p.1, paragraph 12 ("server which ... contains an application database that stored profile information on application that execute within the computer network and a system database that stores configuration information about the client computer within the computer network"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Deosaran's database in Connery's system and method because Deosaran teaches that the disclosed invention may optimize the speed of software applications in a distributed system. See Deosaran at p. 1, paragraph 3.

Regarding claims 12, 13, and 14, Connery teaches a data processing system for managing a remote client on a network, the system comprising: a server computer system in communication with at least one client computer system, the server computer

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system comprising a processor capable of determining whether the client computer system is active; wherein the server computer system is capable of transmitting a first network packet to the at least one client computer system, the first network packet comprising a wake-on-LAN packet; wherein the server computer system is capable of receiving a return wake-on-LAN packet from the at least one client computer system, the return wake-on-LAN packet comprising an indication of the address of the client and an indication of the status of the wake-on-LAN functionality of the client.

However, Connery does not teach a status database. Deosaran does teach that it is well known to store client capability and configuration information in a server-side database. See Deosaran at p.1, paragraph 12 ("server which ... contains an application database that stored profile information on application that execute within the computer network and a system database that stores configuration information about the client computer within the computer network").

Conclusion

11. Please see the included *Notice of References Cited* for additional prior art considered pertinent to applicant's disclosure but not explicitly relied upon in this action.
12. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

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13. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571) 270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JEFFREY PWU
SUPERVISORY PATENT EXAMINER